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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 GRETТА MARSHALL,
11 Plaintiff(s),

12 vs.

13 THE CBE GROUP, INC.,
14 Defendant(s).
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Case No. 2:16-cv-02406-GMN-NJK

ORDER

(Docket No. 46)

16 Pending before the Court is a motion to seal filed by Defendant. Docket No. 46. The motion
17 is defective in several respects. First, the motion to seal itself was improperly filed under seal. A
18 motion to seal should be filed publicly, and the material for which sealing is sought should be filed
19 separately under seal pending resolution of the motion to seal. *See* Local Rule IA 10-5(a). Second, the
20 sole reason for the sealing request is that non-party LiveVox designated on an interim basis the
21 underlying deposition transcript as confidential. *See* Docket No. 46 at 1-2. The Court has ordered that,
22 in such circumstances, the filing party must notify the designating party seven days in advance to
23 determine if the sealing of the materials is appropriate and, if so, the designating party must provide a
24 declaration in support of the motion to seal. Docket No. 24 at 2. Defendant failed to comply with that
25 order. Third, the motion does not address the applicable standards, or explain how they have been met.

26 In light of the above, the motion to seal is **DENIED** without prejudice. Nonetheless, given that
27 the motion attaches the subject document for which sealing is sought, the Clerk's Office is
28 **INSTRUCTED** to continue to maintain Docket No. 46 under seal. No later than September 15, 2017,

1 Defendant shall file either (1) a renewed motion to seal attaching a declaration from LiveVox in support
2 of that sealing request and addressing the proper standards, or (2) a notice that LiveVox has determined
3 that sealing of the transcript is not necessary and that Docket No. 46 may be unsealed.

4 IT IS SO ORDERED.

5 DATED: September 8, 2017

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NANCY J. KOPPE
United States Magistrate Judge